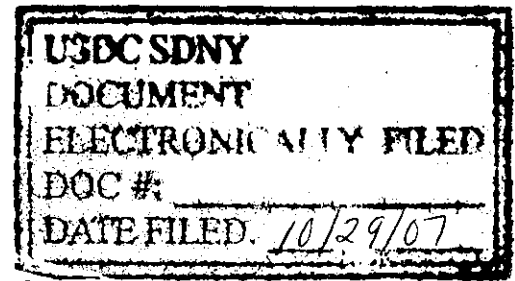


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MEMBER OF CALIFORNIA, NEW YORK
AND NEW JERSEY BARS

October 29, 2007

TELEPHONE: (310) 846-5800
FACSIMILE: (310) 846-5801

VIA FACSIMILE

The Honorable Andrew J. Peck
United States District Court
Southern District of New York
500 Pearl Street, Room 1370
New York, NY 10007

MEMO ENDORSED 10/29/07
Two copies ordered to 11/6/07
BY FAX

SO ORDERED:

Hon. Andrew J. Peck
United States Magistrate Judge

Re: **Rubie's Costumes Co., Inc. v. Bravado Merchandising Services, Inc. et al**
Civil Action No. 1:07-cv-05738-PKC-AJP

Dear Judge Peck:

I am the attorney for the declaratory judgment defendants in the above-referenced action and I am writing this letter to request that the time to reopen this case pursuant to the October 9, 2007 order, that had been extended to October 29, 2007, be extended for 7 days or that the Court reopen the case.

This request is being made because we do not expect that the settlement will close by today, October 29, 2007, the current deadline to reopen this case. The parties remain extremely close to settlement and only one issue remains unresolved. I have been informed that the declaratory judgment plaintiff has been delayed in addressing said issue because it is in the Halloween costume business and the days before Halloween are its busiest of the year.

The settlement agreement provides that the declaratory judgment plaintiff will file a notice of dismissal pursuant to FRCP 41(a)(1)(i) after the parties have executed the settlement documents. I have communicated with Andrew Langsman, the attorney for the declaratory judgment plaintiff, and he has consented to this request.

Thank you for your time and consideration.

Respectfully submitted,


Kenneth A. Feinswog

KAF/kt

cc: Andrew S. Langsam, Esq.

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: October 29, 2007

Total Number of Pages: 2

TO	FAX NUMBER
Andrew S. Langsam, Esq.	212-515-6969
Kenneth A. Feinswog, Esq.	310-846-5801

TRANSCRIPTION:

MEMO ENDORSED 10/29/07

Time to reopen extended to 11/6/07.

Copy to: Judge P. Kevin Castel